

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JERRY WEST, JR.,

Petitioner,

v.

BRIAN CATES,

Respondent.

Case No. 2:21-cv-0410-DJC-JDP (P)

ORDER TO SHOW CAUSE

On March 24, 2025, the court notified petitioner that his petition contained unexhausted claims and directed him to file an amended petition within thirty days. ECF No. 19. That order was returned as undeliverable on June 9, 2025. On June 16, 2025, petitioner filed a request for status and notice of change of address. ECF No. 21. In light of that filing, on June 17, 2025, I directed the Clerk of Court to re-serve my screening order and order to show cause on petitioner. To date, petitioner has not filed an amended petition or otherwise responded to the court's orders.

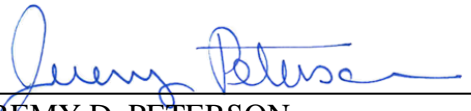
To manage its docket effectively, the court imposes deadlines and requires litigants to meet those deadlines. The court may dismiss a case based on petitioner's failure to prosecute or failure to comply with its orders or local rules. *See* Fed. R. Civ. P. 41; *Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our

1 sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) sua sponte, at
2 least under certain circumstances.”). Involuntary dismissal is a harsh penalty, but the court has a
3 duty to administer justice expeditiously and avoid needless burden for the parties. *See*
4 *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

5 Petitioner will be given a final opportunity to explain why the court should not dismiss his
6 case for failure to file an amended petition. Petitioner’s failure to respond to this order will
7 constitute a failure to comply with a court order and will result in dismissal of this case.
8 Accordingly, petitioner must show cause within twenty-one days of the date of entry of this order
9 why the court should not dismiss his case for failure to state a claim, failure to prosecute, and
10 failure to comply with a court order. Should petitioner wish to continue with this lawsuit, he shall
11 also file, within twenty-one days, an amended petition for writ of habeas corpus.

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13 IT IS SO ORDERED.

14 Dated: July 29, 2025

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16 JEREMY D. PETERSON
17 UNITED STATES MAGISTRATE JUDGE
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